

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF SOUTH DAKOTA, CENTRAL DIVISION**

---

INSTITUTE FOR FREE SPEECH,

*Plaintiff,*

*v.*

MARTY JACKLEY, in his official capacity  
as South Dakota Attorney General, and

SHANTEL KREBS, in her official capacity  
as South Dakota Secretary of State,

*Defendants.*

CIV. 18-3017

**PLAINTIFF'S MOTION FOR A  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

Plaintiff Institute for Free Speech hereby moves pursuant to Rule 65 of the Federal Rules of Civil Procedure for a preliminary injunction and, to preserve the status quo pending the determination of its motion for a preliminary injunction, a temporary restraining order against enforcement of SDCL § 12-27-1 and SDCL 12-27-16.

As set forth in the accompanying Verified Complaint and Brief in Support of Temporary Restraining Order and Preliminary Injunction, (1) Plaintiff is likely to succeed on the merits; (2) Plaintiff will suffer an immediate and irreparable harm if Plaintiff's Motion is denied; (3) the balance of harm tips decidedly in Plaintiff's favor; and (4) granting temporary injunctive relief serves the public interest. Plaintiff is therefore entitled to an immediate injunction and respectfully requests that this Court grant its motion for a preliminary injunction and, if necessary, a temporary restraining order.

Pursuant to Local Rule 7.1.C, Plaintiff requests oral argument on this Motion.

Dated this 9th day of October, 2018.

Respectfully submitted,

REDSTONE LAW FIRM LLP

/s/ Jon Hansen

Jon Hansen  
Lisa M. Prostrollo  
101 N. Phillips Ave., Suite 402  
P.O. Box 1535  
Sioux Falls, SD 57101-1535  
Telephone: (605) 331-2975  
Facsimile: (605) 331-6473  
jon@redstonelawfirm.com  
lisa@redstonelawfirm.com

Allen Dickerson  
Parker Douglas  
Institute for Free Speech  
124 S. West Street, Suite 201  
Alexandria, VA 22314  
Telephone: (703) 894-6800  
Facsimile: (703) 894-6811  
adickerson@ifs.org  
pdouglas@ifs.org  
*\*Admission Pro Hac Vice pending*

*Counsel for Plaintiff Institute for Free Speech*